

BIRMINGHAM CITY COUNCIL

PUBLIC

Report to: CABINET MEMBER FOR EDUCATION, SKILLS & CULTURE JOINTLY WITH THE ACTING CORPORATE DIRECTOR FOR CHILDREN AND YOUNG PEOPLE

Report of: Assistant Director for (Safeguarding), Children & Young People

Date of Decision: 06 August 2018

SUBJECT: PROPOSAL TO DISCONTINUE BOURNVILLE INFANT SCHOOL AND TO ALTER THE LOWER AGE LIMIT AND EXPAND BOURNVILLE JUNIOR SCHOOL BY ENLARGEMENT.

Key Decision: No **Relevant Forward Plan Ref:**

If not in the Forward Plan: Chief Executive approved ☐
(please "X" box) O&S Chair approved ☐

Relevant Cabinet Member(s) or Relevant Executive Member: Councillor Jayne Francis, Cabinet Member Education Skills and Culture

Relevant O&S Chair: Councillor Mariam Khan, Learning, Culture and Physical Activity

Wards affected: Bournville and Cotteridge

1. Purpose of report:

- 1.1 To seek the determination of two statutory proposals;
- Discontinue Bournville Infant School
 - Alter the lower age limit of Bournville Junior School from 7- 11 to 4 – 11 years and expand by enlargement of the premises of Bournville Junior School
- These proposals are related. The alteration of the age range and the expansion of the Junior School to include the Infant school buildings will enable pupils from the Infant School to be accommodated thus amalgamating the two existing schools with effect from 29th April 2019 (the first day of the summer term.)

2. Decision(s) recommended:

That the Cabinet Member for Education Skills and Culture jointly with the Acting Corporate Director for Children and Young People:

- 2.1 Approve, having taken account of the statutory guidance, the two statutory proposals to amalgamate Bournville Infant and Junior Schools through the discontinuation of the Infant School and the alteration to the lower age limit and expansion of the Junior School.

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3. Consultation:

3.1 Internal

3.1.1 During the pre-statutory and statutory consultation periods, information about the proposal was sent to the Executive Member for Selly Oak and Ward Councillors for Bournville together with officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Children and Young People. Details of the responses received and outcome of the statutory consultation is set out in Section 5 of this report and in Appendix 3. The names of the Ward Councillors and the date and method of consultation is set out in Appendix 5.

3.2 External

3.21 The proposal has been fully consulted upon in line with the requirements set out in both the statutory guidance “Making ‘prescribed alterations’ to maintained schools and “Opening and closing maintained schools – statutory guidance for proposers and decision-makers” published by the Department for Education (DfE) in April 2016. A copy of the guidance for decision makers can be found in Appendix 4.

3.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff, Local Councillors for Bournville and the Member of Parliament for Selly Oak.

During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions

3.2.3 The information was publicised in the following ways:

- Public notice displayed at the school;
- On the school’s webpages;
- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the Birmingham City Council School Notice Board.

3.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 5 of this report and in Appendix 3.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council’s policies, plans and strategies?

4.1.1 These proposals are consistent with the Council’s current Amalgamation Policy (modified 25th October 2004) which states in Section 2 that the only triggers for the amalgamation of separate infant and junior schools, is through

i) Falling rolls

- ii) A request from the governing bodies of a pair of schools.

4.2 Financial Implications

- 4.2.1 There is no building work or capital expenditure involved in these proposals. Under the current fair funding formula for 2018/19 schools receive lumps sums of £150k per annum (this is subject to change when the national funding formula lump sum rate of £110,000 is adopted) as part of their overall delegated budget to help fund management costs and fixed overheads.

After 1 April 2019, the new school will receive funding equivalent to the formula funding of the closing schools added together for the appropriate proportion of the year. This means that they receive the combined lump sum for the remainder of the financial year 2019/20.

The amalgamation will result in the school receiving one full lump sum and an additional protection equivalent to 70% of one lump sum in the next full financial year (2020/21) for the new school.

The net effect of the loss of one lump sum (currently £150k) may not be significant as the corresponding expenditure will also be significantly reduced as the newly amalgamated school will only require one Head Teacher and potentially less administrative support.

The Governing Board have been made fully aware of these budget implications.

4.3 Legal Implications

- 4.3.1 This report exercises powers contained within sections 15 and 19 of the Education and Inspections Act 2006; The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013; and, Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), by which the Local Authority has the power to make statutory proposals affecting schools in its area and to determine them.

4.4 Public Sector Equality Duty

- 4.4.1 An updated Equality Assessment initial screening was carried out in December 2013 against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

5. **Relevant background / chronology of key events:**

- 5.1 Bournville Infant and Junior Schools are voluntary aided maintained schools. The schools have a joint Federated Governing Board. Both of the schools were graded as Outstanding in their last OFSTED.
- 5.2 The Federated Governing Board held an extra ordinary meeting on 9th November 2017 and voted to propose the amalgamation of the two schools.
- 5.3 The Head Teacher of the Infant School has retired. The Head Teacher of the Junior School is currently carrying out the acting role of Head Teacher over both schools.

- 5.4 Should the amalgamation be approved, it will be the Governing Board's decision as to whether any restructure is required having considered any duplication of shared roles. This will be done with the relevant consultation with staff and professional associations as required.
- 5.5 Bournville Infant School has an admission number of 90 at Reception. Should the amalgamation be approved, the admission number for Reception and the following admission criteria will continue to apply to the amalgamated school:
1. Looked after or previously looked after children.
 2. Children living in the catchment area, who at the time of admission, have a sibling in the school.
 3. Other children living in the catchment area.
 4. Children living outside the catchment area who, at the time of admission, have a sibling in the school.
 5. Other children living outside the catchment area.
- 5.6 Bournville Junior School has an admission number of 96 at year 3. The additional 6 places are currently offered to applicants from the school's waiting list at year 3. The current admission criteria for entry into year 3 are as follows;
1. Looked after or previously looked after children.
 2. Children on the register of at Bournville Infant School at the end of Year 2.
 3. Children living in the catchment area, who at the time of admission, have a sibling in either the Junior or the Infant School.
 4. Other children living in the catchment area.
 5. Children living outside the catchment area who, at the time of admission, have a sibling in either the Junior or the Infant School.
 6. Other children living in the catchment area.
- 5.7 Should the amalgamation be approved, the two schools will become an all through primary school with an age range of 4 – 11 years. It will be necessary to submit an in year variation request to the Office of the School's Adjudicator (OSA) to request that the admission number and criteria be removed for year 3. The Governing Board will continue to offer the additional 6 places at Key Stage 2 from pupils on the waiting list.
- 5.8 In compliance with DFE guidance and best-practice, a pre-statutory consultation was completed for the proposal between 15th January 2018 and 2nd March 2018 (seven weeks) to engage stakeholders before statutory publication of the full proposal (as set out in section 3 of this report). A total number of 38 responses were received during the pre- statutory consultation phase, of which 32 were in favour and 6 didn't know. In addition, the Federated Governing Board held a number of meetings with the following groups during the pre-statutory consultation stage:

- Parents and School Council members.

Furthermore, the Federated Governing Board and Local Authority officers held meetings with the following groups during the pre- statutory consultation stage:

- All staff who requested a meeting to discuss the proposals;
- Representatives from BANASUWT (Professional Association).

An analysis of the pre-statutory consultation responses can be found in the full proposal document in Appendix 1.

5.9 In compliance with DFE guidance, a statutory consultation was completed between 14th June 2018 and 12th July 2018 (four weeks). The statutory consultation (representation period) commenced with a statutory notice for the following;

- Discontinuation of Bournville Infant School by the Federated Governing Board
- Alteration to the age range from 7 – 11 years to 4- 11 years and expand by enlargement of the premises of Bournville Junior School by the Federated Governing Board and Birmingham City Council (expand the Junior School to include the Infant School buildings).

During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure or the school, via the BeHeard webpages, email or letter. A copy of the full proposal and public notices can be found within Appendices 1 & 2.

5.10 At the close of the statutory consultation (representation period) eight responses were received regarding the proposals. Of the eight responses received seven were in favour and one was neither for nor against. The eight responses were from a grandparent, two parents, four governors and one staff member and copies of their comments are in Appendix 3 of this report. A number of questions were raised by one respondent who was undecided. These questions were passed to the Federated Governing Board to respond to as they were regarding the future staff structure and the proportion of the budget that will be spent on staffing both before and after the proposed amalgamation.

5.11 The Education and Inspections Act 2006 and Regulation 7 of the Prescribed Alterations Regulations states that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant extract of the statutory guidance is attached (Appendix 4). The Education and Inspections Act 2006, the Establishment and Discontinuation Regulations and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

5.12 If the proposals are approved the Junior School will change their name to reflect the amalgamation of the two existing schools. It is proposed the new name will be Bournville Village Primary School.

6. Evaluation of alternative option(s):

6.1 Should the proposals be rejected, Bournville Infant and Junior Schools will remain as separate schools with a joint Federated Governing Board. The Governing Board will need to recruit a new Infant School Head Teacher and any plans for restructuring resulting from an all through primary school will not be able to go ahead. Pupils will continue to apply to transfer from the Infant School to the Junior School at year 3. The non- amalgamation may affect the opportunity for career development and the sharing of best practices with two separate schools.

7. Reasons for Decision(s):

7.1 To allow Bournville Infant and Junior Schools to become an all through primary school, enabling the school greater continuity across key stage 1 and 2, with no requirement for pupils make the transition from one school to the other at year 3. It will allow the Governing Board to appoint a single head teacher and to restructure the Leadership team to create a more efficient leadership and management system with finances and resources being shared more easily. The new all through school will be able to achieve economies of scale, putting the school in a much stronger position financially.

Signatures

Date

Cabinet Member, Education, Skills and Culture
Cllr Jayne Francis

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Acting Corporate Director for Children and Young People
Anne Ainsworth

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List of Background Documents used to compile this Report:

1. Education and Inspections Act 2006
2. Making prescribed alterations to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) in April 2016.
3. Opening and Closing maintained schools. "Statutory guidance for proposers and decision makers" published by the Department for Education (DFE) in April 2016.
4. Cabinet Report for Amalgamation policy 2004

List of Appendices accompanying this Report (if any):

1. Appendix 1: Full (Final) proposal document
2. Appendix 2: Public Notice
3. Appendix 3: Statutory Consultation Results
4. Appendix 4: Department for Education Guidance
5. Appendix 5: Ward Councillors Consulted

Report Version v2

Dated 2nd August 2018